

REMARKS

Claims 1-2, 4-11, 13-22, 24-33, and 35-40 remain pending in the instant application. At the outset, Applicant gratefully acknowledges the indication of allowable subject matter in claims 24-25 and 35-36, and the comments regarding claims 19, 23, 30, and 34 with respect to Shimada '226.

In the most recent Office Action, claims 1-3, 6-7, 9-12, 15-16 and 18 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,221,415 to Albrecht, et al. (hereinafter, "Albrecht"). Claims 1-3, 6-12 and 15-18 are rejected under 35 U.S.C. § 102 (a) as allegedly anticipated by U.S. Patent No. 5,923,637 to Shimada, et al. (hereinafter, "Shimada '637"). Claims 1-3, 6-7, 9-12 18-19, 22-23, 26-27, 29-30, 33-34, 37-38 and 40 are rejected under 35 U.S.C. § 102 (a) as allegedly anticipated by U.S. Patent No. 6,201,226 to Shimada, et al. (hereinafter, "Shimada '226"). Claims 4-5 and 13-14 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada '637 alone. Claims 20-21 and 31-32 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada '226 in view of U.S. Patent No. 5,187,367 to Miyazaki, et al. (hereinafter, "Miyazaki"). Claims 8, 17, 28 and 39 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Shimada '226 in view of Shimada '637. The specification is objected to for a minor informality at page 26, line 21.

The specification is amended above as prescribed by the Examiner to obviate the objection. Favorable reconsideration and withdrawal of the objection is kindly requested. Further, by the above amendment, dependent claims 3, 12, 23, and 34 are cancelled. The subject matter of claims 3, 12, 13 and 34 is recited in independent claims 1, 10, 19, and 30, respectively, from which claims 3, 12, 13 and 34 formerly depended. These

amendments are made without disclaimer or prejudice to the subsequent reintroduction of unamended subject matter in this or a continuing application. No new matter has been added by the amendments.

Applicant respectfully traverses all rejections, for at least the following reasons. As amended above, each independent claim recites, inter alia, a mirror having a concave portion filled with a material. The Office Action avers that this feature is taught by Albrecht, Shimada '637, and Shimada '226. More specifically, the Office Action avers that for each of these references, air is considered to be a 'material' as recited in the claims. In so doing, the Office action admits, as it must, that the reference offer no other teaching of a material filling a concave portion of the mirror. Applicant respectfully disagrees with the interpretation of the references.

It is well established by the Courts that "[C]laims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest *reasonable* interpretation.' " *In re Marosi*, 710 F.2d 799, 218 USPQ 289 (Fed. Cir., 1983) (emphasis in original) (Quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)). According to the specification, the recited material in question fills the concave portion of the mirror to increase the strength of the mirror element, improving reliability. See, e.g., Specification pp. 39-42. While recited in the preferred embodiments of the specification as a resin, the material need not be a resin for the purposes of the independent claims. Further dependent claims more particularly recite the material. However, it is not reasonable, nor possible to read "material" as recited in the independent claims, and in light of the specification, as ambient air.

Moreover, it distorts the references beyond all recognition to claim that ambient air is a 'material' filling the concave portion of the mirror. The references are silent as to the presence of any such 'material'. Moreover, if one presumes ambient air to be that material, the 'material' does not fill the concave portion, but completely surrounds the mirror, concave and convex. Therefore, considering ambient air as the 'material' is to read that feature out of the claims. This, of course, is impermissible. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Furthermore, the Office Action asserts an alternate theory (p. 6) that Shimada '637 discloses a concave portion of a mirror filled with a polyimide material (309, Fig. 20(d)). This is incorrect, however, because Fig. 20(d) clearly shows a convex portion of the mirror, not its concave portion, surrounded by polyimide 309. Moreover, the polyimide 309 is removed from the mirror in later steps (Fig. 20(f)).

Therefore, for at least the foregoing reasons, Applicant respectfully submits that all independent claims are patentably distinguished over the prior art of record. None of the cited references, taken singly or in combination, offers any teaching or suggestion to ameliorate the deficiencies of Albrecht, Shimada '226 or Shimada '637 with respect to the independent claims. Further dependent claims, though each separately patentable, are offered as patentable for at least the same reasons as their respective underlying independent base claims.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability of all claims. If the Examiner has any reservation in allowing the claims, and

believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Torrente", with a horizontal line extending from the end of the signature.

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